

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IDEELL DEARRY, et al. : **CIVIL ACTION**
:
v. : **NO. 21-2548**
:
SOAREN MANAGEMENT, LLC, et al. :

ORDER

AND NOW, this 11th day of February 2022, upon considering Defendants' Motions to dismiss (ECF Doc. Nos. 35, 36), Plaintiffs' Responses (ECF Doc. Nos. 39, 40), Defendants' Replies (ECF Doc. Nos. 45, 46), Plaintiffs' and FactorTrust's Report of Rule 26(f) Meeting (ECF Doc. No. 51) where the parties represent they agreed in principle to settle Plaintiffs' claims against Defendants Kraken Holdings, LLC, Andrew Dunn, and Joshua Bickerstaff, and Plaintiffs concede we should dismiss their Counts IV and V as pleaded against FactorTrust, and for good cause, it is

ORDERED:

1. Plaintiffs' claims against Kraken Holdings, LLC, Andrew Dunn and Joshua Bickerstaff are **DISMISSED with prejudice** under Local Rule of Civil Procedure 41.1(b);¹
2. We **DENY** Kraken Holdings, LLC, Andrew Dunn and Joshua Bickerstaff's Motion to dismiss (ECF Doc. No. 36) **as moot**;
3. We **GRANT in part** Defendant FactorTrust's Motion to dismiss (ECF Doc. No. 35) only to the extent FactorTrust moves to dismiss Plaintiffs' Counts IV and V; we defer ruling

¹ Local Rule 41.1(b) provides:

[a]ny such order of dismissal may be vacated, modified, or stricken from the record, for cause shown, upon the application of any party served within ninety (90) days of the entry of such order of dismissal, provided the application of the ninety-day time limitation is consistent with Federal Rule of Civil Procedure 60(c).

on FactorTrust's Motion to the extent it moves to dismiss Plaintiffs' claims in Count III subject to further Order; and

4. Plaintiffs shall file a joint supplement to the Rule 26(f) Meeting Report by **Noon** on **February 14, 2022**, including identifying the insurance carrier and coverage as required under our February 8, 2022 Order (ECF Doc. No. 50) necessary for our conflict review and addressing the need for a F.R.E. 502 Order.



John M. Kearney, Jr.
KEARNEY, J.